

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

MICHAEL D. McCAIN, SR. ,

Petitioner,

: Case No. 2:24-cv-04064

- vs -

District Judge Michael H. Watson
Magistrate Judge Michael R. Merz

WARDEN, Pickaway Correctional
Institution,

Respondent.

DECISION AND ORDER

This habeas corpus case, brought *pro se* by Petitioner Michael McCain under 28 U.S.C. § 2254, is before the Court on Petitioner’s Amended Petition (ECF No. 10). The Magistrate Judge ordered McCain to file an amended petition based on the remand order of the Sixth Circuit Court of Appeals which held he did not need authorization from the circuit court to proceed on claims which arose after he filed his prior habeas corpus case in 2018. Because this Court did not have before it a petition limited to such claims, it ordered McCain to file an amended petition “which conforms to the requirements of Rule 2 of the Rules Governing Habeas Corpus Proceedings and is limited to claims arising after his 2018 petition was filed, including any claims arising from the 2019 and 2024 parole proceedings.” (Order on Remand, ECF No. 7, PageID 88-89).

In purported compliance, McCain has filed the instant Amended Petition. The Court finds it does not comply with the Remand Order and this Court’s Order on Remand. It is twenty-eight

pages long and does not comply with Rule 2. In particular the Magistrate Judge notes it attempts to raise claims related to the original conviction (an allied offenses claim and an invalid plea claim). The Amended Petition is also not in the form required by Rule 2.

The Court will not proceed to preliminary review under Rule 4 and order an answer until and unless Petitioner complies with the Order on Remand. The present Amended Petition does not and is hereby STRICKEN. Petitioner's time to comply with the Order on Remand is extended to an including August 15, 2025. The Clerk shall furnish Petitioner with a copy of the Standard Form for § 2254 petitions.

July 18, 2025.

s/ Michael R. Merz
United States Magistrate Judge